

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 09-16239
Non-Argument Calendar

FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT AUGUST 18, 2010 JOHN LEY CLERK
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D. C. Docket No. 09-23046-CV-ASG

ANTHONY JERDINE,

Petitioner-Appellant,

versus

UNITED STATES OF AMERICA,

Respondent-Appellee.

Appeal from the United States District Court
for the Southern District of Florida

(August 18, 2010)

Before WILSON, PRYOR and ANDERSON, Circuit Judges.

PER CURIAM:

Lewis Jerdine, a felon on supervised release, appeals pro se the denial of his

motion to dismiss his information. Fed. R. Crim. P. 12(b)(3)(B). The district court construed Jerdine's pleading as a motion to vacate, 28 U.S.C. § 2255, and dismissed the motion without prejudice at Jerdine's request. Jerdine challenges the refusal of the district court to treat his filing as a petition for a writ of error coram nobis, but we rejected Jerdine's argument about that writ in a previous appeal. United States v. Jerdine, No. 09-15974 (11th Cir. May 24, 2010). The district court did not abuse its discretion by dismissing Jerdine's motion without prejudice.

We **AFFIRM** the dismissal of Jerdine's motion.